

REPORT OF THE COMMITTEE ON PUBLIC WORKS AND SUSTAINABILITY

Voting Members:

Stanley Chang, Chair; Ann H. Kobayashi, Vice Chair
Joey Manahan, Ron Menor, Kimberly Marcos Pine

Committee Meeting Held
June 25, 2014

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works and Sustainability, which considered Bill 38 (2014) entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS,"

which passed first reading at the May 7, 2014 Council meeting, reports as follows:

The purpose of this Bill is to regulate the use of bags provided to customers.

Your Committee considered and approved a hand-carried proposed CD1 of the Bill. The changes proposed include:

SECTION 2.

- (1) Removes the new definition of "plastic."
- (2) Amends the definition of "plastic bag" to "plastic checkout bag" but keeps the current plastic bag exemptions.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUL 9 2014

COMMITTEE REPORT NO. 201

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SECTION 3.

- (1) Amends the title of ROH Sec. 9-9.2 by removing the reference to "no biodegradable" and adding "plastic checkout bags."
- (2) Also changes references to "plastic bags" to "plastic checkout bags."

SECTION 5.

- (1) Changes the bill's effective date to July 1, 2015.

Timothy Houghton, the Deputy Director of the Department of Environmental Services, testified that the Department supports Bill 38 (2014) and the hand-carried proposed CD1.

Your Committee received written testimony from 21 individuals in support. No individuals submitted written testimony in opposition or offered comments on the Bill.

In addition, your Committee also received public testimony from two individuals in support and one individual in opposition to the Bill.

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Written testimony was also received from the following institutions, organizations, and governmental agencies:

1. Lauren Zirbel, Executive Director, Hawaii Food Industry Association (oppose)
2. Suzanne Frazer, Co-Founder, B.E.A.C.H; Marjorie Ziegler, Executive director, Conservation Director, Conservation Council for Hawaii; Elizabeth Reiley, President, Livable Hawaii Kai Hui; Rae DeCoito, Executive Director, Malama Maunalua; Joy Leilei Shih, Conservation Chair, Sierra Club Oahu Chapter; Ari Patz, Executive director, Styrophobia; Stuart Coleman, Hawaii Coordinator, Surfrider Foundation; Kahi Pacarro, Executive Director, Sustainable Coastlines Hawaii (comments)
3. Ari Patz, Regional Manager, World Centric (support)
4. Joy Leilei Shih, Conservation Chair, Sierra Club Oahu Chapter & The Executive Committee of Sierra Club, Oahu Chapter (support)
5. Stuart H. Coleman, Hawaii Coordinator, Surfrider Foundation (support)
6. Elizabeth Riley, Livable Hawaii Kai Hui (support)
7. Rachel Harvey, PhD, Kokua Hawaii Foundation, Plastic Free Hawaii Program Manager (support)
8. Suzanne Frazer, Co-Founder, Beach Environmental Awareness Campaign Hawaii (support)
9. Rae DeCoito, Malama Maunalua (support)

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Public testimony was also received from the following institutions, organizations, and governmental agencies:

1. Lauren Zirbel, Hawaii Food Industry Association (oppose)
2. Joy Leilei Shih, Sustainability Chair, Sierra Club Oahu (support)
3. Ari Patz, World Centric (support)
4. Jennifer Milholen, Styrophobia (support)
5. Stella Yasuda KYD, Inc. dba k. yamada distributors (comments)
6. Rafael Bergstrom, Surfrider Foundation (support)
7. Suzanne Frazer, BEACH (support)
8. Louis Pacarro Sustainable Coastlines Hawaii (support CD1)

Your Committee on Public Works and Sustainability is in accord with the intent and purpose of Bill 38 (2014), as amended herein, and recommends that it pass second reading, be scheduled for public hearing, and be referred back to the Committee on Public Works and Sustainability in the form attached hereto as Bill 38 (2014), CD1. (Ayes: Chang, Manahan, Menor, Kobayashi, - 4; Noes: None; Excused: Pine -1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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COMMITTEE REPORT NO. 201



A BILL FOR AN ORDINANCE

RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

Ordinance 12-8 implemented a ban on all non-recyclable paper and non-biodegradable plastic bags effective July 1, 2015.

The Council finds that recent studies indicate all types of plastic bags, regardless of the feedstock from which they are derived, may adversely affect the environment. Plastic bags may remain relatively intact for long periods of time, and fragments of plastic in the environment may harm insects, fish and animals if consumed.

The department of environmental services has been unable to identify a clear and reliable industry standard that meets the definition of "biodegradable" plastic bag in Ordinance 12-8.

Numerous jurisdictions, including both Hawaii and Maui Counties, ban the distribution of all plastic bags. The Maui ban has been in effect since January 11, 2011, and the Hawaii ban has been in effect since January 17, 2013.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by deleting the definitions of "biodegradable" and "non-biodegradable" and amends the definition of "plastic bag" to read as follows:

[""Biodegradable" means a substance that can be broken down in the environment by natural processes."]

[""Non-biodegradable" means a substance that cannot be broken down in the environment by natural processes."]

""Plastic checkout bag[:]"

- (1) Means a [bag that is made from non-biodegradable plastic, and is] carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and is made from compostable or non-compostable plastic and not specifically designed and manufactured for multiple re-use;



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- (2) This term does not include:
- (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
 - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
 - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
 - (D) Bags provided by pharmacists to contain prescription medications;
 - (E) Newspaper bags for home newspaper delivery;
 - (F) Door-hanger bags;
 - (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
 - (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
 - (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
 - (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer."

SECTION 3. Section 9-9.2, Revised Ordinances of Honolulu 1990, as amended, is amended in its entirety to read as follows:

"Sec. 9-9.2 Ban on [non-biodegradable] plastic checkout bags and non-recyclable paper bags.

Businesses shall be prohibited from providing [non-biodegradable] plastic checkout bags and non-recyclable paper bags to their customers at the point of sale for



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the purpose of transporting groceries or other merchandise. Nothing in this article shall preclude a business from making reusable [bags, bags made of biodegradable plastic] bags or recyclable paper bags available for sale or without charge to customers at the point of sale for the purpose of transporting such items."

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring, the brackets or the bracketed material.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **38 (2014), CD1**

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect on July 1, 2015.

INTRODUCED BY:

Breene Harimoto

DATE OF INTRODUCTION:

April 29, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu